

In the Senate of the United States,

August 25 (legislative day, August 24), 1960.

Resolved, That the Senate agree to the amendments of the House of Representatives to the bill (S. 1898) entitled "An Act to amend the Communications Act of 1934 with respect to the procedure in obtaining a license and for rehearings under such Act" with the following

AMENDMENTS:

(1)Page 14, line 4, strike out [SUSPENSION, REVOCATION,] and insert: *REVOCATION*

(2)Page 14, line 6, strike out [(a) Section] and insert: *Subsections (a) and (b) of section*

(3)Page 14, line 7, strike out [is] and insert: *are*

(4)Page 14, line 23, after "any" insert: *final*

(5)Page 15, line 10, strike out [action.] and insert: *action."*

(6)Page 15, strike out all after line 10 over to and including page 17.

(7)Page 18, strike out lines 8 to 24, inclusive, and insert:

"(b) (1) Any licensee or permittee of a broadcast station

who—
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“(A) willfully or repeatedly fails to operate such station substantially as set forth in his license or permit,

“(B) willfully or repeatedly fails to observe any of the provisions of this Act or of any rule or regulation of the Commission prescribed under authority of this Act or under authority of any treaty ratified by the United States,

“(C) fails to observe any final cease and desist order issued by the Commission,

“(D) violates section 317(c) or section 509(a) (4) of this Act, or

“(E) violates section 1304, 1343, or 1464 of title 18 of the United States Code, shall forfeit to the United States a sum not to exceed \$1,000. Each day during which such violation occurs shall constitute a separate offense. Such forfeiture shall be in addition to any other penalty provided by this Act.

“(2) No forfeiture liability under paragraph (1) of this subsection (b) shall attach unless a written notice of apparent liability shall have been issued by the Commission and such notice has been received by the licensee or permittee or the Commission shall have sent such notice by registered or certified mail to the last known address of the

licensee or permittee. A licensee or permittee so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by regulations prescribe, why he should not be held liable. A notice issued under this paragraph shall not be valid unless it sets forth the date, facts, and nature of the act or omission with which the licensee or permittee is charged and specifically identifies the particular provision or provisions of the law, rule, or regulation or the license, permit, or cease and desist order involved.

“(3) No forfeiture liability under paragraph (1) of this subsection (b) shall attach for any violation occurring more than one year prior to the date of issuance of the notice of apparent liability and in no event shall the forfeiture imposed for the acts or omissions set forth in any notice of apparent liability exceed \$10,000.”

(b) Section 504(a) of the Communications Act of 1934 (47 U.S.C. 504) is amended by inserting after “Provided,” in the first sentence thereof the following: “That any suit for the recovery of a forfeiture imposed pursuant to the provisions of this Act shall be a trial de novo: Provided further,”.

(c) Section 504(b) of such Act is amended by striking

out "section 507" and inserting in lieu thereof "sections 503(b) and 507".

(d) Section 504 of such Act is further amended by adding a new subsection to read as follows:

"(c) In any case where the Commission issues a notice of apparent liability looking toward the imposition of a forfeiture under this Act, that fact shall not be used, in any other proceeding before the Commission, to the prejudice of the person to whom such notice was issued, unless (i) the forfeiture has been paid, or (ii) a court of competent jurisdiction has ordered payment of such forfeiture, and such order has become final."

(8)Page 22, line 12, strike out all after "317." down to and including "section." in line 14 and insert:

"(e) The inclusion in the program of the announcement required by section 317 shall constitute the disclosure required by this section.

(9)Page 22, line 15, strike out [(e)] and insert: (f)

(10)Page 22, line 25, strike out [(f)] and insert: (g)

Amend the title so as to read: "An Act to promote the public interest by amending the Communications Act of 1934, to provide a pre-grant procedure in case of certain applications; to impose limitations on payoffs between applicants; to require disclosure of payments made for the broad-

casting of certain matter; to grant authority to impose forfeitures in the broadcast service; and to prohibit deceptive practices in contests of intellectual knowledge, skill, or chance; and for other purposes.”

Attest:

Secretary.

66TH CONGRESS
2D SESSION

S. 1898

AMENDMENTS